

VERSION WITH MARKINGS TO SHOW CHANGES MADE

## IN THE SPECIFICATION-

Jig 10 comprises a circular hoop 11 having a plurality of spaced ribs or radii 12. Here [8] eight are shown. The number of radii may be larger or smaller than [8] eight, as may be desired. Spaced preferably uniformly along the length of each of the radii is a series of guide pins, 13 which pins serve to retain the thatch material in place during the course of the weaving process. If the radii are metal stamps or extrusions, the guide pins 13 may be attached to the metal radii as by welding, brazing, gluing or any other known means of securing. The radii may also be wood struts, in which case the guide pins can be attached as by nailing, screwing, or gluing. The hoop 11 is most appropriately metal such as flexible steel or aluminum though wood or plastic construction is also contemplated.

## IN THE CLAIMS -

The claims are 1-8.

Please replace claim 1 with new claim 9.

Please replace claim 8 with new claim 10.

Please add new claim 11.

Please enter claim 9 as follows,

9. A thatched umbrella which is openable and closeable, which umbrella comprises:

- (a) a continuously woven one-piece circular thatch, prepared on a jig having a plurality of spaced radii, each of which radii has a series of uniformly spaced guide pins along the length thereof, which guide pins serve to retain the thatch material in place during the course of the circular weaving,
- (b) an umbrella frame having a series of ribs, each of which is interconnected to a strut, each of which struts is interconnected to a hub, said hub disposed upon a pole,
- (c) an umbrella canopy, having an exterior surface, overlaying and connected to said frame, said continuously woven one-piece circular thatch being disposed upon said canopy's exterior surface, and being connected to said frame's ribs through said canopy, and
- (d) means for opening and closing said frame disposed on said pole.

Please amend claim 2 to read,

2. The device of claim 1 wherein the continuously woven one-piece circular thatch is configured as an annulus.

**Please amend claim 3 to read.**

3. The device of claim 1 wherein the continuously woven one-piece circular thatch is configured as a disk.

Please enter claim 10 to read.

10. The thatched umbrella of claim 1 wherein the umbrella canopy is made of acrylic fabric, the circular one-piece woven thatch is configured as an annulus, and a finial is disposed on the pole.

Please enter claim 11 as follows.

11. A thatched umbrella which is openable and closable on demand, which umbrella comprises:

(a) continuously woven one-piece circular thatch.

**(b)** an umbrella frame having a series of radii, each of which is interconnected to a strut, each of which struts is interconnected to a hub, said hub disposed upon a pole.

(c) an umbrella fabric canopy having an exterior surface and an interior surface, the interior surface overlaying said frame, the canopy being connected to said frame, said continuously woven one-piece circular thatch being disposed upon said canopy's exterior surface.

(d) means for opening along said front disposed in said pole, and

(e) a finial disposed on the top of said pole

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REMARKS

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3 The requested change to the specification has been made at page 5.

4 The claims were rejected under 112 as the Examiner is apparently unwilling to accept the  
5 commonly understood term Caribbean or South Seas thatch umbrella and the image such words  
6 conjure up in the reader's mind; therefore, such description has been canceled.

7 The claims have been rejected as unpatentable over the Tiki reference in view of the  
8 Safari Thatch and Bamboo references. It is believed that the Examiner misstates what these  
9 references disclose.

10 The "Safari" product needs a plywood underlayment for support. It is not used for an  
11 umbrella, nor a continuous circular thatch.<sup>15 17</sup>

12 The Tiki Hut product also is not a continuous weave. It's stapled or attached much like  
13 a Mexican rain cape applied to a human back when workers are toiling in the fields, and need  
14 protection from the rain.

15 In contrast, the product of this invention is a continuous weave product that because it  
16 is one piece and circular it can be overlaid unattached or onto the canopy (regular) umbrella  
17 because it is not attached but merely overlaid and in some instances held by a center finial it can  
18 move. The thatch can move up and down as the conventional umbrella is opened or closed.  
19 Neither Tiki nor Safari alone or in combination are capable of such action.

20 Applicant's umbrella can be opened and closed a multiplicity of times each day for a  
21 siesta or for other reasons such as to remove bird droppings.

22 The thatched umbrella of this invention serves two purposes which the prior art cannot.  
23 First, due to the fabric layer beneath the thatch persons won't get wet as the fabric prevents  
24 moisture from going through. Second, the thatch blocks sun rays so people do not get sunburn.  
25 No other decorative umbrella can make this dual statement.

26 Because applicant does not need to attach the thatch weaving to the umbrella, the thatch  
27 is free to expand and contract with the heat of the day. This unattached mode is used for short  
28 term usage to make storage of the two parts easier. This is primarily for special occasional use.

29 Applicant's product can also be screwed down to the umbrella frame when the customer  
30 wants a semipermanent closeable, openable, umbrella that provides protection from the rain and  
31 sun on a semipermanent basis. When the customer wants to open, close, and relocate the  
32 umbrella on a daily basis, then the one-piece circular woven thatch is merely overlaid on the  
33 umbrella and then screwed on so it need be merely opened for daily use with protection from the  
34 sun and rain.

With specific reference to the Tiki Trader brochure, it is readily seen to be a rectangular unit attached along its top edge to a substrate or looped around to form a skirt (ID). Neither of the prior art products can be used on a conventional umbrella.

4 Reference is made to page 2 of the referenced' where the PALAPA is discussed.  
5 Reference to the photo shows the plurality of rectangular sections sewn together. Also note the  
6 light coming through and the lack of fabric to prevent rain penetration. For edification of the  
7 Examiner, the Random House Unabridged Dictionary indicates that a PALAPA is an open side  
8 thatch roof building found at resorts often in Mexico.

9           What the Examiner says is obvious, is something that cannot be done. That is to combine  
10       these two references. The Safari reference points out that its product is not waterproof. If  
11       waterproofing is needed for a building, it says to use a wood substrate. Again, it is because the  
12       thatch is in the form of a panel that is square, and not formed in the manner chosen by applicant.  
13       Sure Safari says it can be of umbrella shape, but look at the interior located in the photo. It is  
14       supported on a substrate or on an umbrella frame. Yes, on a frame but <sup>NOT</sup> with the umbrella fabric  
15       in place, and not for an umbrella to be opened and closed as is not set forth in the claims.

16 Only applicant can provide both sun and rain protection with a thatched true umbrella not  
17 just an umbrella shaped object having a fixed center pole.

18 In conclusion, applicant's new claims, both product and product process, are believed to  
19 be patentable over both of the references alone or in combination.

20 They are either square or rectangular panels, which applicant is circular. They are not a  
21 continuous one-piece but a plurality of panels stapled together. Applicant's is a one-piece unit.

22 The Examiner is asked to contact the undersigned in California at 916-485-5000, if  
23 applicant needs to be contacted.

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Respectfully submitted,

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